

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Linda Marie Romney,

Complainant,

vs.

Pacific Bell Telephone Company,

Defendant.

(ECP)

Case 01-12-034

(Filed December 26, 2001)

Linda Marie Romney, for herself, Complainant.Sherry Winbush, for Pacific Bell

Telephone Company, Defendant.

ORDER GRANTING RELIEF, IN PART

Linda Marie Romney (complainant) alleges that Pacific Bell Telephone Company (Pacific) has failed to correctly bill her its Universal Lifeline Telephone Service (ULTS) rate since March 1995. Complainant seeks a full credit on her account, retroactive to March 1995, including late payment charges. Defendant denies the allegations. Public hearing was held on October 25, 2002.

Complainant testified that she qualified for ULTS in 1995 but defendant did not grant her ULS status until early 1999. Because of this, she has been disputing her telephone bills for years culminating in defendant's discontinuing all service in early 2001. In April 2001 she filed for Chapter 11 bankruptcy and listed defendant as a creditor for \$668.37. Her telephone service was reconnected. Her plan to pay creditors was approved by the bankruptcy court in

April 2002 and she has paid off most of her debt to defendant. Defendant still demands \$668.37, which she contends is offset by her bankruptcy payments and the failure of defendant to give her proper ULTS credit.

Defendant's witness testified that complainant currently (at the time of hearing) owes \$668.37, including late charges, which pre-date the bankruptcy filing. Defendant's records show complainant requested ULTS in March 1999, and has been on the ULTS since then. Defendant filed its claim in complainant's bankruptcy proceeding and has received some payment on its claim. Since the bankruptcy complainant has paid her current telephone bills.

The evidence presented does not have sufficient clarity to put a precise figure on the amount complainant has paid toward her past due bill and the amount defendant claims is still owed. Defendant says complainant owes \$668.37, all incurred prior to the bankruptcy. As late as November 2001, defendant was still billing complainant for past due charges listed in her bankruptcy. Defendant has received some payment from the bankruptcy court, but the parties could not provide an accurate figure. We are persuaded that complainant was entitled to ULTS service prior to March 1999 although the exact date cannot be determined from the evidence. It is apparent that defendant continued to bill complainant for past due amounts after complainant filed for bankruptcy and listed defendant as a creditor. We believe a \$300 credit is warranted under the circumstances. Defendant should determine complainant's balance as follows: \$668.37 owed by complainant less 1) amounts paid through the bankruptcy and 2) \$300.

Assignment of Proceeding

Michael R. Peevey is the Assigned Commissioner and Robert Barnett is the assigned Administrative Law Judge in this proceeding.

O R D E R

IT IS ORDERED that:

1. Pacific Bell Telephone Company shall recomputed the telephone bill of Linda Marie Romney, in the manner set forth in this decision.
2. The money on deposit with the Commission shall be disbursed to complainant.
3. This proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.